

Preska, L.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKANU ALLEN, :  
-----X

Plaintiff, : 12-CV-6758

: - against -  
: -----XCHANEL, INC., :  
-----XDefendant.  
-----X**[PROPOSED] ORDER OF JUDGMENT**

Whereas before the Court is Defendant's motion for summary judgment pursuant to Fed. R. Civ. P. 56 seeking dismissal of all claims for relief asserted by Plaintiff for discrimination and retaliation, and approval of Defendant's counterclaim for unjust enrichment, and the matter coming before the Honorable Loretta A. Preska, Chief United States District Judge for the United States District Court for the Southern District of New York, and the Court, on June 26, 2015, having issued an Opinion and Order dismissing all of Plaintiff's claims for relief, and further determining that Plaintiff was unjustly enriched by a check issued by Defendant in the amount of \$14,940.19, plus accrued interest, as well as premium payments made by Defendant for five months of COBRA coverage, plus interest, it is:

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 26, 2015, Plaintiff's claims for relief under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Civil Rights Act of 1866, 42 U.S.C. 1981, *et seq.*, the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621, *et seq.*, and the New York State Human Rights Law ("NYSHRL"), N.Y. Exec. Law § 290, *et seq.* are hereby dismissed *with prejudice*; and judgment is granted on Defendant's counterclaim for unjust enrichment;

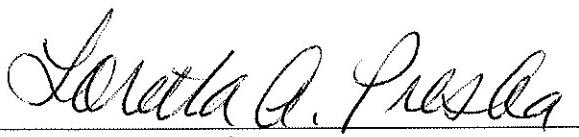
**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED:** That in addition to the payment of \$14,940.19, Defendant has made premium payments for Plaintiff's COBRA benefits between March 1, 2012 and July 31, 2012 in amount of \$3,202.65, for a total amount of \$18,142.84; the Court applies the United States Treasury Bill rate of 0.27 percent for the week ending on July 3, 2015 to calculate accrued interest on the principal amount of \$18,142.84, compounded daily, for the period of August 1, 2012 through the date of this Judgment, July 13, 2015 (see 28 U.S.C. § 1961(a); *N.Y. Marine & Gen. Ins. Co. v. Tradeline (L.L.C.)*, 266 F.3d 112, 130-31 (2d Cir. 2001)); judgment is hereby entered against Plaintiff in the amount of \$18,289.84, inclusive of \$147.00 in pre-judgment interest; and

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED:** Plaintiff is hereby Ordered to issue payment to Defendant in the amount of \$18,289.84, plus post-judgment interest, consistent with 28 U.S.C. § 1961, on or before August 14, 2015.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: [July 14, 2015]

  
Hon. Loretta A. Preska  
Chief U.S.D.J.

t.m.